

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MAGTEN ASSET MANAGEMENT CORP.
and LAW DEBENTURE TRUST COMPANY OF
NEW YORK,

Plaintiffs,

v.

NORTHWESTERN CORPORATION,

Defendant.

| | | |
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| MAGTEN ASSET MANAGEMENT CORP., | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | Civil Action No. 05-499-JJF |
| | : | |
| MIKE J. HANSON and ERNIE J. KINDT, | : | |
| | : | |
| Defendants. | : | |

**ORDER GRANTING MOTION *IN LIMINE* OF
DEFENDANT NORTHWESTERN CORPORATION
TO EXCLUDE THE TESTIMONY OF KIPP ORME**

Upon the Motion filed by Northwestern Corporation, defendant in the above-captioned action (the “Motion”), seeking an order: (i) excluding from evidence the deposition testimony of Kipp Orme (“Orme”); and (ii) denying any adverse inference requests by Plaintiffs based on Orme’s invocation of his Fifth Amendment privilege at his deposition at trial currently scheduled for March 3, 2008, and after due and sufficient notice of the Motion having been given; and after due deliberation and sufficient cause therefor,

It is hereby ORDERED that the Motion is GRANTED, and (i) the deposition testimony of Kipp Orme is hereby excluded from evidence; and (ii) any adverse inference request by Plaintiffs based on Orme's invocation of his Fifth Amendment privilege at his deposition at the trial currently scheduled before this Court on March 3, 2008 is hereby denied.

SO ORDERED this _____ day of February 2008.

The Honorable Joseph J. Farnan
United States District Court Judge